

Mitchell Fights Disclosure

U.S. Eavesdropped On Sweig, Voloshen

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The government acknowledged yesterday it eavesdropped on telephone conversations by lobbyist Nathan Voloshen and Martin Sweig, suspended aide to House Speaker John W. McCormack, through wiretaps installed to gather foreign intelligence.

The acknowledgement came in an affidavit filed in U. S. District Court in New York by Attorney General John N. Mitchell and released in Washington.

Voloshen and Sweig were

indicted Jan. 12 in New York on charges of conspiracy and perjury. They were accused of using the Speaker's office for influence peddling.

Mitchell's affidavit contended that the wiretaps were legal and the information gathered was unrelated to the cases against the two men.

The defense had demanded that any wiretap evidence be turned over to the court in line with a Supreme Court ruling that the government must disclose to a defendant any conversations overheard during an illegal electronic surveillance.

The Justice Department affidavit contended, however, that the wiretaps were legal and that there is no basis for them to be turned over to Sweig or Voloshen.

Mitchell said it would "prejudice the national interest to disclose the particular facts concerning the surveillances other than to the court."

He said the sealed exhibits were being submitted for the court to inspect privately. He asked the court to place the exhibits in a sealed envelope at the close of the hearing and return them to the Justice Department, where he said they will be kept under seal for submission to any appellate court that might want to review the case.